IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3631 OF 2007

Bhimsha Pirappa Chikne
(since deceased) through lrs..... Petitioner

versus

Pratap Krishnanathrao Ingle
(since deceased) through lrs..... Respondent.

Shri A.B. Tajane for the petitioner
Ms. Poonam Kondale h/f Surel S. Shah for the respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 20TH JULY, 2007

P.C.;

1. The trial court has passed a decree for possession in favour of respondent nos. 1 to 6. The present petitioners and respondent no.7 are in possession of the suit property. When the matter was heard by the learned Single Judge of this court, on 11th June 200, that the learned counsel appearing for the petitioner sought time to vacate the suit premises and to hand over the possession thereof to the decree holder. The petitioner had sought time till 31st October 2007. The usual undertaking has been filed by the petitioner nos.1 and 2 and respondent no.7 to the effect that they will hand over vacant and peaceful possession of the suit property to respondent nos.1 to 5/decree

holders in regular Darkast no.14/05 on or before 31st October 2007. In view of the filing of the undertaking by the petitioners and respondent no.7 there shall be stay of delivery of possession till 31st October 2007, on or before which date, the petitioner shall hand over the vacant and peaceful possession to the decree holder. Needless to mention that the petitioners and the respondent no.7 shall not create any third party interest in the tenanted premises. The writ petition thus is disposed off.

2. The learned counsel submits that there is a delay of one day in filing the undertaking. The delay stands condoned.

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